

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SHANNON LAMONT KNOX,
Plaintiff,

v.

Case No. 06-C-0061

OFFICER MICHAEL PENDERGAST and
OFFICER GOGGINS,
Defendants.

DECISION AND ORDER

On January 13, 2006, the plaintiff, Shannon Lamont Knox, filed a pro se complaint against defendants Officer Michael Pendergast and Officer Goggins. A review of the file indicates that Officer Goggins was served with a copy of the summons and complaint on January 17, 2006. However, he has not filed a responsive pleading in this action. There is no indication that defendant Pendergast has been served with a copy of the summons and complaint.

By letter dated May 24, 2006, the court advised Ms. Knox that she had not effected service upon defendant Pendergast and that, although defendant Goggins had been served, he has not filed a responsive pleading in this action. The plaintiff was advised that she was to file a status report with the court on or before June 19, 2006, advising the court of her efforts to serve defendant Pendergast and also stating how she plans to proceed with respect to defendant Goggins, since he has not made an appearance in this action. When the plaintiff did not file the status report, the court gave her an additional period of time to July 20, 2006, to file the report.

The plaintiff failed to file the status report and, accordingly, on August 3, 2006, the court dismissed the action without prejudice for failure to prosecute. The plaintiff was advised that she could petition for reinstatement of the action within 20 days of the court's order.

On August 21, 2006, the plaintiff filed a "Motion to Reinstate Claim." (Docket # 12). In support of her motion, the plaintiff explained that her mail was inadvertently misplaced by family members while she was at the hospital and numerous doctors' appointments obtaining medical treatment for her infant son. By the time she received the mail, the deadlines set by the court had passed. The plaintiff also explained her efforts to serve defendant Pendergast.

The information presented by the plaintiff provides adequate grounds for reinstatement of this action. Accordingly, the plaintiff's motion to reinstate her claim will be granted.

Therefore,

IT IS HEREBY ORDERED that the plaintiff's "Motion to Reinstate Claim (Docket # 12)" is **GRANTED**.

IT IS FURTHER ORDERED that this action is **REINSTATED**.

Dated at Milwaukee, Wisconsin this 26 day of August, 2006.

/s _____
LYNN ADELMAN
District Judge